

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 15-5089-JVS (KS) Date: February 1, 2016

Title *Virgil E. Holt v. P. Finander, et al*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker
Deputy Clerk

C/S
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: ORDER TO SHOW CAUSE FOR FAILURE TO FILE USM-285 FORMS
AS ORDERED ON DECEMBER 14, 2015**

Pursuant to this Court’s Order of November 4, 2015 (ECF No. 18), on December 3, 2015, plaintiff, a California state prisoner proceeding *pro se* and *in forma pauperis*, filed a First Amended Complaint (“FAC”). (ECF No. 21.) Due to plaintiff’s *pauperis* status, on December 14, 2015, the Court directed the United States Marshal to effect service of process. (ECF No. 23.) In a separate Order, also dated December 14, 2015, the Court ordered plaintiff to file copies of the USM-285 forms, that he submitted to the United States Marshal, with the Court. (ECF No. 24.)

Plaintiff, however, took no action in response to the Court’s December 14, 2015 Order (ECF No. 24), and more than 15 days have passed since the deadline for plaintiff to file copies of the USM-285 forms with the Court.

A *pro se* litigant “is subject to the same rules of procedure and evidence” as other parties “who are represented by counsel.” *United States v. Merrill*, 746 F.2d 458, 465 (9th Cir. 1984). Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Accordingly, the Court could properly recommend dismissal of the action for plaintiff’s failure to timely comply with the Court’s Order of December 14, 2015 (ECF No. 24).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 15-5089-JVS (KS) Date: February 1, 2016

Title *Virgil E. Holt v. P. Finander, et al*

However, in the interests of justice, plaintiff is **ORDERED TO SHOW CAUSE on or before March 1, 2016**, why the Court should not recommend that this action be dismissed for failure to prosecute. If plaintiff wishes to proceed with any of the dismissed claims, he may discharge this Order by filing: (1) a declaration signed under penalty of perjury that establishes good cause for plaintiff's failure to comply with the Court's December 14, 2015 order; *and* (2) copies of the USM-285 forms that were provided to the United States Marshal Service. Alternatively, if plaintiff does not wish to pursue any of the dismissed claims, he may file a Notice Of Dismissal.

Plaintiff is advised that the failure to timely respond to this order and establish good cause for his failure to comply with the December 14, 2015 order may result in the dismissal of his case pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41-1.

IT IS SO ORDERED.

Initials of Preparer

:

rh
